

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services-Treasuries and Accounts Department - Sri B. Raja Karuna Kumar, Senior Accountant - Assigning Notional Seniority in the Category of Senior Accountant w.e.f.10-12-2003 on par with his Junior Sri.M.Bhiku Naik – In Relaxation of Rule 33(a) of A.P.State and Subordinate Service Rules,1996 – Orders – Issued.

FINANCE (ADMN.I)DEPARTMENT

G.O.RT.No. 2786

dt:17-11-2015

Read the following:

1. G.O.Rt.No.2132, Finance (Admn-III) Department,dt:14.06.2005
2. Orders of APAT in O.A.No.3866/2007, dt:17.06.2010.
3. Government Memo No.19505/356/A1/Admn.III/2007,dt:30-10-2010.
4. DTA's Letter No.A3/3685/2010, dt:11.11.2011.
- 5.Government Memo No.19505/356/A1/Admn.III/2007, dt:21-03-2012.
- 6.DTA's Memo No.A3/3685/2010, dt:17.04.2012.
- 7.DTA's Letter No.A3/3685/2010, dt:17.09.2012& 05.8.2015.

ORDER :

Sri B. Raja Karuna Kumar was appointed as Junior Accountant in Backlog vacancies on 15-7-1999 in Treasury Unit, Guntur. He was discharged from Service from 04-01-2002, as he had not acquired Typewriting Higher English Qualification. Aggrieved by this, the individual filed O.A.No.329/2002 in which the Hon'ble Tribunal in its judgment dt 10.01.2002 denied interfering in the matter of relaxation of Rules and disposed off the O.A. Not satisfied with the above orders of APAT, the individual filed WP No.831/2002 in High Court. As per interim orders of the High Court, the individual was continued in the service. The High Court in its final Judgement dt:29-01-2004 set aside the proceedings of DD, DT, Guntur in which the individual was discharged from Service as the notification was silent about qualification.

2. In the reference first read above, Government ordered for continuing Sri B. Raja Karuna Kumar, Junior Accountant, Treasury unit Guntur in service though he passed the Type writing English Higher grade after the stipulated time in relaxation of the T & A (Sub) Service Rules by superseding the orders of the Deputy Director, District Treasury, Guntur passed discharging the individual from service from 04.01.2002. Consequently, services of Sri B. Raja Karuna Kumar in the category of Junior Accountant have been regularized w.e.f. 09.04.2003 i.e from the date of acquiring qualification vide Deputy Director, District Treasury, Guntur Prcogs.Rc.No.4331/05/03, dt: 30.11.2005.

3. Aggrieved with the above Orders, Sri B. Raja Karuna Kumar has again filed O.A.No.3866/2007 in Hon'ble Andhra Pradesh Administrative Tribunal with a prayer to regularize his services as Junior Accountant from the date of his joining. The Hon'ble Andhra Pradesh Administrative Tribunal in the reference second read above, have set aside the proceedings of Deputy Director, District Treasury, Guntur as they are contrary to the orders passed by the Hon'ble High Court in W.P.No.831/2002, dt:29/01/2004 and G.O.Rt.No.2132, Finance (Admn-III) Department, dt:14.06.2005 and further held that, the applicant is entitled to be regularized as Junior Accountant w.e.f.14.07.1999 and respondents have been directed to accord all consequential benefits like seniority, difference in the scale of pay, consequential promotion etc.

4. Accordingly, in the reference third read above, Government have directed the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad to implement the Orders of Hon'ble Andhra Pradesh Administrative Tribunal dt: 17/06/2010 in O.A. No 3866/2007 to accord all consequential benefits like seniority, difference in the scale of pay, consequential promotion etc to B. Raja Karuna Kumar, Senior Accountant in accordance with Rules in force.

5. In the reference fourth read above, the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad has requested the Government to issue orders assigning notional seniority to Sri B. Raja Karuna Kumar, Senior Accountant in the category of Senior Accountant w.e.f 10.12.2003 on par with his junior Sri M. Bhiku Naik.

6. In the reference fifth read above, Government directed the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad to issue notices to all the affected persons and call for objections, if any, as per Rule 24 of A.P. State and Subordinate Service Rules, 1996 and if necessary, refer the matter to Government for relaxation of Rule 33 A.P. State and Subordinate Service Rules, 1996.

7. In the reference sixth read above, the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad has issued notices to the affected candidates. In the reference seventh read above, the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad has informed that no one has raised objections on the proposed assigning of notional seniority except (2) persons and the objections raised by them were disposed of by the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad and requested the Government to issue orders assigning notional seniority to Sri B. Raja Karuna Kumar, Senior Accountant in the category of Senior Accountant w.e.f. 10-12-2003 on par with his junior Sri M. Bhiku Naik duly relaxing Rule 33(a) of AP State and Subordinate Service Rules, 1996.

8. Government, after careful examination of the matter, after following all due procedure and the powers conferred under Rule 31 of A.P State and Subordinate Rules, 1996, hereby order the Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad to assign notional seniority in the category of Senior Accountant to Sri B. Raja Karuna Kumar, Senior Accountant in the category of Senior Accountant w.e.f. 10-12-2003 on par with his junior Sri M. Bhiku Naik in relaxation of Rule 33(a) of AP State and Subordinate Service Rules, 1996.

9. The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M. RAVI CHANDRA
SECRETARY TO GOVERNMENT (EXPDR)**

To
The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad
Copy to
The AG, AP, Hyderabad
The DD, DT, Guntur, Prakasham and Nellore.
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER